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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
Birger E. Sorensen) Examiner: Donald Heckenberg
Title: NITS SEPARATOR)
Serial No.: 09/743,589) Group Art Unit: 1731
Filed On: January 11, 2001) (Our Docket No.: 6474-0002WOUS)

Hartford, Connecticut, October 8, 2004

Mail Stop Petition
Commissioner for Patents
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Alexandria, VA 22313-1450

**SECOND REQUEST FOR PETITION TO OBTAIN EARLIER
DATE OF RECEIPT OF 35 U.S.C. § 371(c)(1), (c)(2) AND (c)(4) REQUIREMENTS,
AND DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS**

10/14/2004 LLANDGRA 00000026 09743589

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S I R:

The following is a **Second Request** for a Petition to obtain an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements in the above-identified patent application.

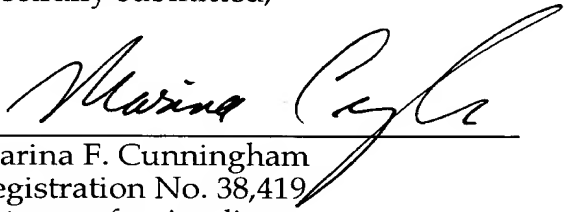
Applicant originally filed said Petition on **March 18, 2003**, a copy of said Petition and its attachments is hereby enclosed. As of this date, a decision on said Petition has not been received. Please note that this application was filed with the USPTO on **January 11, 2001**.

After recently placing several phone calls to Examiner Heckenberg and to the Petitions Branch of the USPTO, it is Applicant's understanding that Applicant's first Request was never considered. Applicant hereby encloses a copy of a return receipt postcard indicating receipt of said Request by the USPTO. Applicant was also informed by the Petitions Office that this application is in condition for examination, pending a decision on this Petition.

Enclosed please find a check in the amount of \$130.00 in payment of the Petition fee under 37 CFR 1.17(h). However, the first petition filed on March 18, 2003 did include a petition fee. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.17(a) to (d), which may be required to Deposit Account No. 13-0235.

Respectfully submitted,

By


Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290



<p>① Ser/Pat/TM No. <u>09/743,589</u></p> <p>File No. <u>6474-02 WOLLS</u></p> <p>Inventor Name(s). <u>Solenson</u></p> <p>Atty/Secretary <u>MFC/cam</u> <u>3/18/03</u></p>		<p>Date Received:</p> <p>RECEIVED</p> <p>MAR 24 2003</p> <p>McCormick, Paulding & Huber</p>
<p>Hon. Commissioner of Patents and Trademarks</p> <p>UT20 Rec'd PCT/PTO 18 MAR 2003</p> <p>Please acknowledge receipt of the attachments by stamping the date received in the space indicated and returning this card to the addressee.</p> <p>McCormick, Paulding & Huber LLP</p>		
<p><input type="checkbox"/> Specification - # of pages.....</p> <p><input type="checkbox"/> Claims - # of pages.....</p> <p><input type="checkbox"/> Drawings - # of sheets</p> <p><input type="checkbox"/> Amendment</p> <p><input type="checkbox"/> Issue Fee/Publication Fee</p> <p><input type="checkbox"/> English translation document</p> <p><input type="checkbox"/> Assignment</p> <p><input type="checkbox"/> Marked up copy of specification/claims</p> <p><input type="checkbox"/> Clean copy of specification/claims</p> <p><input type="checkbox"/> Dec/POA</p>	<p><input type="checkbox"/> Transmittal letter</p> <p><input type="checkbox"/> Check - \$</p> <p><input type="checkbox"/> IDS and PTO/SB/08A</p> <p><input type="checkbox"/> Copies of IDS citations</p> <p><input type="checkbox"/> Maintenance Fee</p> <p><input type="checkbox"/> Extension of Time</p> <p><input checked="" type="checkbox"/> Petition to Obtain Earlier Date</p> <p><input checked="" type="checkbox"/> Declaration of Atty. in</p> <p><input checked="" type="checkbox"/> Support of Petition</p> <p>X Copies of Exhibits A-I</p>	



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
)
Birger E. Sorensen) Examiner: Unassigned
)
Title: NITS SEPARATOR)
) Group Art Unit: 1731
Serial No.: 09/743,589)
)
Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, March 18, 2003

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION TO OBTAIN EARLIER DATE OF RECEIPT OF 35 U.S.C. § 371(c)(1), (c)(2)
AND (c)(4) REQUIREMENTS, AND DATE OF RECEIPT OF ALL 35 U.S.C.
REQUIREMENTS

S I R:

This is a Petition to obtain an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements in the above-identified patent application. The date of receipt under 35 U.S.C. § 371 is that date which a patent issuing from the above-identified patent application can be used as 35 U.S.C. § 102(e) prior art.

Attached hereto is a Declaration by Marina Cunningham, attorney of record in the above-identified matter, stating the facts as they are known to her in support of the above-identified Petition.

Applicant also attaches numerous Status Requests mailed to the U.S. Patent and Trademark Office (PTO).

Also attached hereto is a copy of a Petition to Withdraw Holding of Abandonment, and a copy of a Declaration of Marina F. Cunningham in Support of Petition to Withdraw Holding of Abandonment. Copies of the earlier filed Petition and accompanying Declaration are submitted herewith to set forth in detail the delays caused by the PTO with respect to initiating the examination of the above-identified patent application.

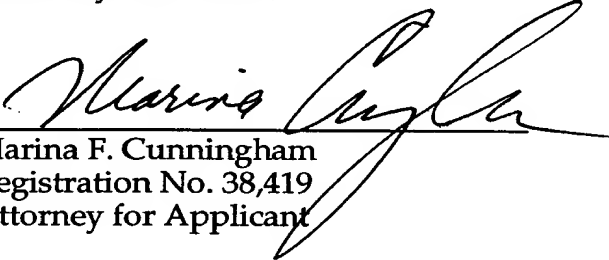
Applicant also attaches a Decision on Petition indicating that the original Notification of Missing Requirements was still in the PTO file, and thus was never sent to Applicant. The PTO's failure to send Applicant the Notification of Missing Requirements directly resulted in an unusually late Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements, thus in effect punishing Applicant in his ability to use a patent issuing in this case as 35 U.S.C. § 102(e) prior art.

Accordingly, Applicant respectfully requests that an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements be secured in accordance with the situation where Applicant would have timely received and thereby promptly responded to the Notification of Missing requirements.

No fee is believed to be due for filing this Petition. However, if it is determined that a fee is required, please charge Deposit Account No. 13-0235.

Respectfully submitted,

By


Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290



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Christine Marsala
(TYPED OR PRINTED NAME OF PERSON MAILING
PAPER OR FEE)
Christine Marsala
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
Birger E. Sorensen) Examiner: Unassigned
Title: NITS SEPARATOR)
Serial No.: 09/743,589) Group Art Unit: 1731
Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, March 18, 2003

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

DECLARATION OF MARINA F. CUNNINGHAM IN SUPPORT OF
PETITION TO OBTAIN EARLIER DATE OF RECEIPT OF 35 U.S.C. § 371(c)(1), (c)(2)
AND (c)(4) REQUIREMENTS, AND DATE OF RECEIPT OF ALL 35 U.S.C.
REQUIREMENTS

S I R:

This is a Declaration in support of the Petition to Obtain Earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements. The sequence of events is as follows:

1. My name is Marina F. Cunningham. I am a partner at McCormick, Paulding & Huber LLP, and am the attorney of record in the above-identified matter.
2. The above-identified application was filed on January 11, 2001 via Express Mail.

3. After a number of attempts to determine status of the application via telephone, we filed a Status Request on February 28, 2002. In response to our Status Request, we received a Notice of Abandonment (Exhibit A).
4. Our firm filed on May 15, 2002 a Petition to Withdraw Holding of Abandonment Based on Failure to Receive the Notification of Missing Requirements (First Petition), along with an Accompanying Declaration in support of the Petition (First Declaration) in the above-identified patent application. A copy of the First Petition and accompanying First Declaration is attached as Exhibit B to this present Petition.
5. A number of calls were made to the USPTO prior to July 9, 2002. Mr. Derek Woods of the USPTO informed me on July 9, 2002, that the Petition to Withdraw Holding of Abandonment was not received. A copy of the Petition was faxed to the USPTO (Exhibit C).
6. A Status Request was filed on July 9, 2002 stating that Applicant has not received a response to the First Petition, and inquiring as to the status of the application. A copy of the Status Request of July 9, 2002 and a copy of the stamped accompanying postcard receipt dated July 15, 2002 is attached as Exhibit D to this present Petition.
7. Numerous phone calls were placed to the USPTO by me and various conversations with Mr. Daniel Stemmer and Ms. Erin Pender took place in an attempt to determine status of the application and expedite petition process.
8. A further Status Request was filed on November 6, 2002 stating that this was Applicant's third request for a status update throughout the application process. A copy of the Status Request of November 6, 2002 and a copy of the stamped accompanying postcard receipt dated November 14, 2002 is attached as Exhibit E to this present Petition.
9. My Legal Assistant, Elizabeth Dudek, phoned the PCT Help Desk on January 14, 2003 and spoke with Paul Bell, PCT Special Programs Examiner, in order to determine to whom the next status request should be addressed since our firm had not yet received a response to our previous status requests. Mr. Bell informed Ms. Dudek that our Petition to Withdraw Holding of Abandonment had been granted on September 24, 2002 and that the application was passed to the Examiner in charge of the case. Ms. Dudek informed Mr. Bell that a copy of the grant notice had not been received by our firm. Mr. Bell indicated that he could not provide us with a copy of

the grant notice since the application was with the Examiner. Mr. Bell further indicated that the Examiner (not identified) should be forwarding the Notice of Acceptance within the next week.

A copy of an Internal Memorandum addressing this additional attempt to determine the status of the present application is attached as Exhibit F to this present Petition.

10. I had a further telephone conversation with Mr. Bell on January 24, 2003 and it was agreed to fax him a copy of the executed inventor Declaration, Power of Attorney and Appointment of Domestic Representative for filing in connection with the present application. On the same day (January 24, 2003) as our telephone conversation, I faxed Mr. Bell the executed inventor Declaration. A copy of the faxed transmission including the executed inventor Declaration is attached as Exhibit G to this present Petition.

11. On January 27, 2003 I received from Mr. Bell a faxed memo including: 1) a copy of the Notice of Missing Requirements; 2) a Letter of April 17, 2002 from Paralegal Specialist Jeremy Fleming regarding the status of the present application; 3) the Notification of Abandonment dated April 26, 2002; and 4) a Decision Letter dated September 24, 2002 from Attorney Advisor Erin Pender granting Applicant's May 28, 2002 Petition to Withdraw Holding of Abandonment. The Decision Letter indicates that a review of the file reveals that both the copy of the Notification of Missing Requirements and the original are in the file at the PTO. In other words, the PTO admits that the Notification of Missing Requirements was never mailed. A copy of the faxed memo is attached as Exhibit H to this present Petition.

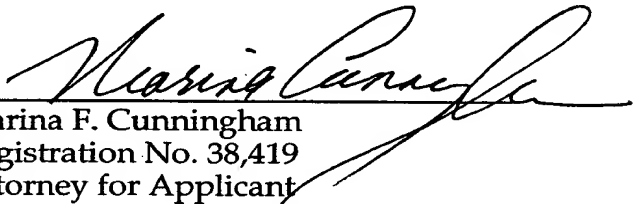
12. I received a faxed transmission dated January 27, 2003 from Tammy Holland for Francine Young of PCT Operations at the PTO including: 1) a Withdrawal of Previously Sent Notice dated January 27, 2003 stating that the Notice of Abandonment mailed on April 26, 2002 (which was not received until January 27, 2003) was sent in error and is hereby withdrawn; 2) a Filing Receipt stating that the filing date of the present application is January 24, 2003; and 3) a Notice of Acceptance of Application Under 35 U.S.C. 371 AND CFR 1.494 OR 1.495 (Notice of Acceptance) mailed on January 27, 2003. The Notice of Acceptance states that the Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements is January 24, 2003, and that the Date of Receipt of All 35 U.S.C. Requirements is January 24, 2003. The Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements is the date

which a patent issuing from the present application can be used as 35 U.S.C. § 102(e) prior art. A copy of the faxed transmission dated January 27, 2003 is attached as Exhibit I to this present Petition.

13. In view of Applicant's diligence in moving the prosecution of the present application along in response to the above-discussed errors and delays of the PTO, Applicant respectfully requests that an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements be secured in accordance with the situation where Applicant would have timely received and thereby promptly responded to the Notification of Missing Requirements.

14. No fee is believed to be due for filing this Petition. However, if it is determined that a fee is required, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

By 
Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290



1

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Pat Heim

Typed or Printed Name of Person Sending Paper or Fee

Pat Heim

2-28-02

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
Birger E. Sorensen) Examiner: Unknown
Title: NITS SEPARATOR)
Serial No.: 09/743,589) Group Art Unit: Unknown
Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, February 28, 2002

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

STATUS REQUEST

S I R:

The above-identified application was filed on January 11, 2001. Applicant has received the return postcard with filing date and serial number printed thereon. A copy of the postcard is attached herewith.

To this date, Applicant has not received an Official Filing Receipt and no action has issued on the merits of the case.


On December 6, 2001, a telephone call to the U.S.P.T.O was made and a clerk stated that a copy of the filing receipt would be mailed that day. The copy has not been received to date.

Applicant respectfully requests that a search of the Patent Office records be made and a Filing Receipt be sent to Applicant's attorney.

Applicant also respectfully requests an estimate of the time frame within which this application will be reached for a First Office Action.

Applicant believes no fee is due for filing this request, however, if it is determined that a fee is required, please charge deposit account no. 13-0235.

Respectfully submitted,

By 
Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290



Ser/Pat/TM No. <u>09/743,589</u>		RECEIVED MAR 28 2002 McCormick, Paulding & Huber
File No. <u>6474-02WOUS</u>		
Inventor Name(s). <u>Sorensen</u>		
Atty/Secretary <u>MFC/pah 2/27</u>		
Hon. Commissioner of Patents/Trademarks		
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<input type="checkbox"/> Claims - # of pages.....	<input type="checkbox"/> Check - \$	
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Pat Heim 5-15-02
 Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
)
 Birger E. Sorensen) Examiner: Unassigned
)
 Title: NITS SEPARATOR)
) Group Art Unit: Unassigned
 Serial No.: 09/743,589)
)
 Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, May 15, 2002

Box PCT
 Assistant Commissioner of Patents
 Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

S I R:

This is a Petition to Withdraw Holding of Abandonment Based on Failure to Receive the Notification of Missing Requirements in the above-identified patent application.

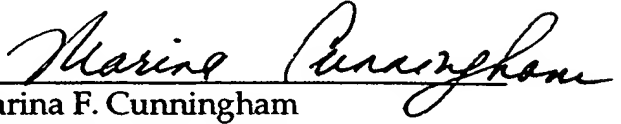
Attached hereto is a Declaration by Marina Cunningham, attorney of record in the above-identified matter, stating the facts as they are known to her.

Also attached is a copy of the docket record for March, 2001 - the docket where the non-received Notification of Missing Requirements would have been entered had it been received.

Applicant respectfully requests that the Holding of Abandonment of the above-identified application be withdrawn.

No fee is believed to be due for filing this Petition. However, if it is determined that a fee is required, please charge deposit account no. 13-0235.

Respectfully submitted,

By 

Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290

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Pat Heim
 Typed or Printed Name of Person Sending Paper or Fee
Pat Heim 5-15-02
 Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
)
 Birger E. Sorensen) Examiner: Unassigned
)
 Title: NITS SEPARATOR)
) Group Art Unit: Unassigned
 Serial No.: 09/743,589)
)
 Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, May 15, 2002

Box PCT
 Assistant Commissioner of Patents
 Washington, D.C. 20231

DECLARATION OF MARINA F. CUNNINGHAM IN SUPPORT OF
 PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

This is a Declaration in support of the Petition to Withdraw Holding of Abandonment Based on Failure to Receive the Notification of Missing Requirements in the above-identified patent application. The sequence of events is as follows:

1. My name is Marina F. Cunningham. I am a partner at McCormick, Paulding & Huber LLP, and the attorney of record in the above-identified matter.
2. The above-identified application was filed on January 11, 2001 via Express Mail.
3. Our firm received the return postcard with filing date and serial number printed thereon. The serial number was docketed, along with a follow-up tickler for "check for first office action".
4. During the routine follow-up examination of files based on the docketing system, it was determined that the Official Filing Receipt had not been received.

5. On December 6, 2001, a telephone call to the U.S.P.T.O was made and a clerk stated that a copy of the filing receipt would be mailed that day. The copy has not been received to date.
6. A Status Request was mailed on February 28, 2002 requesting that a search of the Patent Office records be made and a Filing Receipt be sent to Applicant's attorney. A copy of the Status Request is attached as Appendix A to this Petition.
7. A response to the Status Request was received on April 22, 2002 indicating that the application had been abandoned by the USPTO for failure to respond to the Notice of Missing Requirements issued on February 23, 2001. A copy of the Response is attached as Appendix B to this Petition.
8. Attached as Appendix C is a copy of the docket of Marina Cunningham covering the month (March, 2001) during which a Response to Notification of Missing Requirements Under 35 U.S.C. 371 would have been docketed had the Notice been received by our firm.
9. As can be seen by the docket, no Response to Notification had been entered into our docketing system under our internal file number 6474-02WOUS since the Notice had not been received.
10. Accordingly, Applicant respectfully requests that the Holding of Abandonment of the above-identified application be withdrawn pursuant to MPEP § 711.03(c) while retaining the original filing and foreign priority dates.

Respectfully submitted,

By Marina Cunningham
Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290

MODE = MEMORY TRANSMISSION

START=JUL-09 16:29

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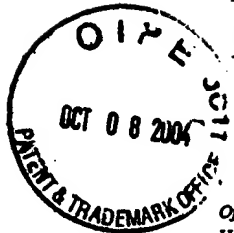
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- ***** -

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MRH

McCormick, Paulding & Huber LLP
Intellectual Property Law

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Hartford, CT and
Springfield, MA

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Shirley S. Mir*
Gerald J. Stanton *
*Admitted in CT
**Admitted in MA

Of Counsel
Donald K. Huber*
Frederick J. Haesche*
John C. Hilton*
Charles E. Soti*
John J. Dempsey

DATE: 7/9/02

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SENT BY: MARINA CUNNINGHAM

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MESSAGE: _____

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AS A COPY OF RETURNED POSTCARD.

PLEASE CALL ME AT YOUR EARLIEST CONVENIENCE
WITH THE STATUS OF THE PETITION. THANK

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YOU,

Marina Cunningham

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Elizabeth A. Dudek

Typed or Printed Name of Person Sending Paper or Fee

Elizabeth A. Dudek

09 July 2002

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)	
Birger E. Sorensen)	Examiner: <u>Unknown</u>
Title: NITS SEPARATOR)	
Serial No.: 09/743,589)	Group Art Unit: <u>Unknown</u>
Filed On: January 11, 2001)	(Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, July 9, 2002

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

STATUS REQUEST

S I R:

On May 15, 2002, Applicant filed a Petition to Withdraw Holding of Abandonment (copy attached) in connection with the above-identified application. Enclosed is a copy of Applicant's return postcard indicating receipt of the Petition by the PCT/PTO on May 28, 2002. To this date, Applicant has not received a response to their Petition.

Please advise as to the status of the application.

Applicant believes no fee is due for filing this request, however, if it is determined that a fee is required, please charge deposit account no. 13-0235.

Respectfully submitted,

By

Marina Cunningham

Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford, CT 06103-3402
(860) 549-5290



Ser/Pat/TM No. <u>09/743,589</u>	Date Received
File No. <u>6474-02wous</u>	
Inventor Name(s) <u>Sorensen</u>	
Atty/Secretary <u>Mfdead 7/9/02</u>	
RECEIVED JUL 26 2002 McCormick, Paulding & Huber LLP	
Hon. Commissioner of Patents/Trademarks	
Please acknowledge receipt of the attachments by stamping the date received in the space indicated and returning this card to the addressee.	
<input type="checkbox"/> Specification - # of pages..... <input type="checkbox"/> Claims - # of pages..... <input type="checkbox"/> Drawings - # of sheets <input type="checkbox"/> Amendment <input type="checkbox"/> Issue Fee/Publication Fee <input type="checkbox"/> English translation document <input type="checkbox"/> Assignment <input type="checkbox"/> Marked up copy of specification/claims <input type="checkbox"/> Clean copy of specification/claims <input type="checkbox"/> Dec/POA	<input type="checkbox"/> Transmittal letter <input type="checkbox"/> Check - \$ <input type="checkbox"/> IDS and PTO/SB/08A <input type="checkbox"/> Copies of IDS citations <input type="checkbox"/> Maintenance Fee <input type="checkbox"/> Extension of Time <input checked="" type="checkbox"/> <u>Status Request</u> <input type="checkbox"/> <input type="checkbox"/>

525 Rec'd PCT/PTC 15 JUL 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

Elizabeth A. Dudek

Typed or Printed Name of Person Sending Paper or Fee

Elizabeth A. Dudek
Signature

Nov. 7, 2002
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)	
Birger E. Sorensen)	Examiner: <u>Unknown</u>
Title: NITS SEPARATOR)	
Serial No.: 09/743,589)	Group Art Unit: <u>Unknown</u>
Filed On: January 11, 2001)	(Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, November 6, 2002

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

STATUS REQUEST

SIR:

On July 9, 2002, Applicant filed a Status Request in connection with the above-identified application. This is Applicant's third request for a status update. Please advise as to the status of the application.

Applicant believes no fee is due for filing this request, however, if it is determined that a fee is required, please charge deposit account no. 13-0235.

Respectfully submitted,

McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford, CT 06103-3402
(860) 549-5290

By

Marina F. Cunningham
Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant



Ser/Pat/TM No. <u>09/743,589</u>		Date Received:
File No. <u>647422WOUS</u>		
Inventor Name(s) <u>Sorensen</u>		
Atty/Secretary <u>mflead 11/7/02</u>		
Hon. Commissioner of Patents/Trademarks		
Please acknowledge receipt of the attachments by stamping the date received in the space indicated and returning this card to the addressee.		
McCormick, Paulding & Huber LLP		
<input type="checkbox"/> Specification - # of pages.....	<input type="checkbox"/> Transmittal letter	
<input type="checkbox"/> Claims - # of pages.....	<input type="checkbox"/> Check - \$	
<input type="checkbox"/> Drawings - # of sheets	<input type="checkbox"/> IDS and PTO/SB/08A	
<input type="checkbox"/> Amendment	<input type="checkbox"/> Copies of IDS citations	
<input type="checkbox"/> Issue Fee/Publication Fee	<input type="checkbox"/> Maintenance Fee	
<input type="checkbox"/> English translation document	<input type="checkbox"/> Extension of Time	
<input type="checkbox"/> Assignment	<input checked="" type="checkbox"/> <u>Status Letter</u>	
<input type="checkbox"/> Marked up copy of specification/claims	<input type="checkbox"/>	
<input type="checkbox"/> Clean copy of specification/claims	<input type="checkbox"/>	
<input type="checkbox"/> Dec/POA	<input type="checkbox"/>	

DTOS Rec'd PCT/PTO 14 NOV 2002

Memorandum

To: Memo to File

From: Liz Dudek

Date: 1/14/03

Re: Conversation with Paul Bell of PCT Help Desk re: Our File 6474-02WOUS

I called the PCT Help Desk (703-305-3257) and spoke with Paul Bell. I was trying to determine to whom our next Status Letter should be addressed to since we had not received a response to our two Status Letter requests in this case. Mr. Bell informed me that our Petition to Withdraw Notification of Abandonment had been granted (on September 24, 2002) and that the application was passed to an Examiner. I informed Mr. Bell that a copy of the grant notice had not been received by our office. He indicated that he could not provide us with a copy since the application was with the Examiner. The Examiner (not identified) should be forwarding us Form 903 (Notice of Acceptance) within the next week or so.

/ead

CONFIDENTIAL



McCormick, Paulding & Huber LLP
Intellectual Property Law

Offices in
Hartford, CT and
Springfield, MA

Tel.: 860-549-5290
Fax: 860-527-0464

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John C. Linderman*
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Arthur F. Dionne*
Richard R. Michaud*
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Susan C. Oygard*
Nicholas J. Tuccillo*
Wm. Tucker Griffith*
Stephen P. Scuderi*
William B. Gowanlock*
Donald J. MacDonald*
Timothy A. Johnson*
Kevin H. Vanderleeden*
Wayne R. Grohs*
*Admitted in CT
*Admitted in MA

Of Counsel
Donald K. Huber*
John C. Hilton*
Frederick J. Haesche*
Charles E. Sohl*
John J. Dempsey*

DATE: 24 January 2003

FACSIMILE TRANSMISSION

DELIVER TO: Mr. Paul Bell / USPTO

FAX NO.: 703-305-2919

SENT BY: Marina F. Cunningham

Our File No.: 6474-02WOUS Serial No. 09/743,589

Number of Pages
Including This Sheet: 4

Message:

Mr. Bell:

Per our telephone conversation of today, attached please find a copy of the executed Declaration, Power of Attorney and Appointment of Domestic Representative for filing in connection with the above-identified PCT application.

Please charge the \$130.00 surcharge fee or any other necessary fees to our Deposit Account 13-0235.

Please call me if you have any questions.

Regards,


Marina F. Cunningham
Reg. 38,419

The information contained in this facsimile may contain confidential information. It is only for the use of the individual or entity named. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that your dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via U.S. postal service.

**DECLARATION, POWER OF ATTORNEY AND
APPOINTMENT OF DOMESTIC REPRESENTATIVE**



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Nits Separator

the specification of which

(Check ☐ is attached hereto.
one) ☐ was filed on _____ as Application Serial No. _____ and
was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §§1.56 and 1.63(d).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>PA 1998 00933</u>	<u>Denmark</u>	<u>14 July 1998</u>	<u>X</u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States Provisional Application(s) listed below:

Priority
Claimed

_____ (Number)	_____ (Filing Date)	_____ Yes No
-------------------	------------------------	--------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §§1.56 and 1.63(d) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ PCT/DK99/00401 (Application Serial No.)	_____ 13 July 1999 (Filing Date)	_____ Pending (Status)(Patented, Pending, Abandoned)
---	--	--

POWER OF ATTORNEY

I hereby appoint THEODORE R. PAULDING, Registration No. 19,294 - DONALD K. HUBER, Registration No. 18,686 - JOHN C. HILTON, Registration No. 22,965 - FREDERICK J. HAESCHE, Registration No. 24,529 - JOHN C. LINDERMAN, Registration No. 24,420 - J. KEVIN GROGAN, Registration No. 31,961 - ARTHUR F. DIONNE, Registration No. 23,093 - RICHARD MICHAUD, Registration No. 40088 - DANIEL G. MACKAS, Registration No. 38,541 - MARINA F. CUNNINGHAM, Registration No. 38,419 - PETER J. RAINVILLE, Registration No. 41,263 - MICHAEL T. CLORITE, Registration No. 44,620 - NICHOLAS J. TUCCILLO, Registration No. 44,322 - DANIEL M. BARBIERI - Registration No. P46,215 - Wm. TUCKER GRIFFITH, Registration No. 44,726 - STEPHEN P. SCUDERI, Registration No. 42,136 - MARY-JACQ HOLROYD, Registration No. 41,846 - ANTHONY D. WILSON, Registration No. 45,223 - SUSAN C. OYGARD, Registration No. P42,969 all of the firm of McCORMICK, PAULDING & HUBER LLP, CityPlace II, 185 Asylum Street, Hartford, Connecticut 06103-4102, Telephone No. (860) 549-5290, as my attorneys to prosecute this application, to make alterations and amendments therein, to receive the patent and all correspondence relating to this application, and to transact all business in the U. S. Patent and Trademark Office connected therewith, and the said attorneys are hereby given full power of substitution and revocation.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

The above-identified attorneys, also known as McCORMICK, PAULDING & HUBER LLP, whose postal address is CityPlace II, 185 Asylum Street, Hartford, Connecticut 06103-4102, United States of America, are hereby designated applicant's representative upon whom notices or process in proceedings affecting the patent may be served. Said firm shall take instructions from my foreign patent agents in all matters affecting this application and the patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Birger Elmgaard Sørensen

Full name of first inventor

Full Name of second inventor

Birger Sørensen

Inventor's Signature

Inventor's Signature

January 8th - 2001

Date

DK

Citizenship

Date

Citizenship

Viemosevej 3, DK-7120 Vejle Ø

Residence Address

Residence Address

Viemosevej 3, DK-7120 Vejle Ø

Post Office Address

Post Office Address

To: MARINA F. CUNNINGHAM
860-527-0464



PCT Special Programs Office
US Patent & Trademark Office

RECEIVED

JAN 27 2003

McCormick, Paulding & Huber

Memo

To: Marina F. Cunningham
From: Paul Bell
Date: 1/27/03
Re: Copies of correspondence for 09/743,589

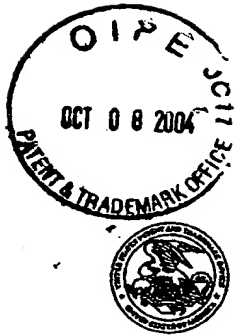
In reference to our telephone conversation last Friday, I am faxing you copies of all of our correspondence with you in this application.

There is a copy of:

- 1) Form PCT/DO/EO 905 NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) mailed on 23 February 2001.
- 2) Letter of 17 April 2002 from Paralegal Specialist Jeremy Fleming regarding the status of this application.
- 3) FORM PCT/DO/EO/909 NOTIFICATION OF ABANDONMENT dated 26 April 2002
- 4) Decision letter, of 24 September 2002, from Attorney Advisor Erin Pender granting applicant's 28 May 2002 petition to revive this application.

Best regards

Paul Bell, PCT Special Programs Examiner 308-3543



24 SEP 2002 D

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Marina F. Cunningham
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402

In re Application of
SØRENSEN, Elmgaard Birger
Application No.: 09/743,589
PCT No.: PCT/DK99/00401
Int. Filing Date: 13 July 1999
Priority Date: 14 July 1998
Attorney Docket No.: 6474-02WOUS
For: NITS SEPARATOR

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to "Petition to Withdraw the Holding of Abandonment," filed with the United States Patent and Trademark Office on 28 May 2002.

BACKGROUND

On 13 July 1999, applicant filed international application PCT/DK99/00401. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 January 2000.

On 11 February 2000, applicant filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 16 January 2001 (14 January 2001 was a Sunday and 15 January 2001 was a holiday).

On 11 January 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 April 2002, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned for failure to respond to the Notification of Missing Requirements mailed 23 February 2001.

On 28 May 2002, applicant filed the instant "Petition to Withdraw the Holding of Abandonment," which was accompanied by, *inter alia*, a declaration and a docketing log.

On 09 July 2002, applicant faxed a copy of the above petition to the Office.

On 15 July 2002, applicant submitted a status request requesting the status of the petition accompanied by a copy of the petition.

DISCUSSION

Applicant claims to have not received the 23 February 2001 Notification of Missing Requirements. A review of the file reveals that both the copy of the Notification and the original are in the file.

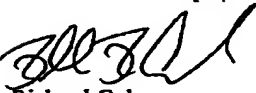
CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 26 April 2002 is **VACATED**.

The Notification of Missing Requirements with a mail date of 23 February 2001 is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration are required.


Richard Cole
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459



Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20535
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/743,589	Elmgaard Birger Sorensen	6474-02/WOUS
INTERNATIONAL APPLICATION NO.		
PCT/DK99/00401		
LC FILING DATE	PRIORITY DATE	
07/13/1999	07/14/1998	

Marina F Cunningham
Cityplace II 185 Asylum Street
Hartford, CT 06103-3402

CONFIRMATION NO. 4089

371
ABANDONMENT/TERMINATION
LETTER



0000000007948978

Date Mailed: 04/26/2002

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant failed to respond to the notification of missing requirements (PCT/DO/EO/905) mailed on 23 February 2001

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 17 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

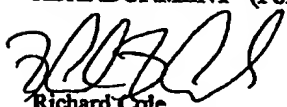
Marina F. Cunningham
MCCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402


In re Application of
BIRGER ELMGAARD SORENSEN
Application No.: 09/743,589
PCT No.: PCT/DK99/00401
Int. Filing Date: 13 July 1999
Priority Date: 14 July 1998
Attorney's Docket No.: 6474-02WOUS
For: NITS SEPARATOR

Dear Ms. Cunningham:

This is in response to your communication received 11 March 2002 requesting the status of U.S. application 09/743,589. U.S. application 09/743,589 is abandoned. A response to the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905 mailed 23 February 2001) is not of record in the application file. Attached is a copy of the Form PCT/DO/EO/905 for your convenience.

This application is being returned to the DO/EO for mailing of a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909).


Richard Cole
PCT Legal Examiner
PCT Legal Office


Jeremy Fleming
Paralegal Specialist
PCT Legal Office

JSF/RC:jf

Tel: (703) 308-6154
Fax: (703) 308-6459

Attachment: Copy of Form PCT/DO/EO/905
mailed 23 February 2001.

09/743589



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER, PATENTS
Box PCT
Washington, D.C. 20231

09/743589 SORENSEN FIRST NAMED APPLICANT E ATTY DOCKET NO. 6474-02W0116

MARINA F CUNNINGHAM
CITYPLACE II 185 ASYLUM STREET
HARTFORD CT 06103-3402

5611

INTERNATIONAL APPLICATION NO.
PCT/BK99/00401

I.A. FILING DATE PRIORITY DATE
07/13/99 07/14/98

02/23/01

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of Inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 11 JAN 2001 and

☒ Information Disclosure Statement(s) filed 11 JAN 2001 and

☒ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☒ Other: IB 308

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Freddie Young
National Stage Processing
Paralegal Specialist
(703) 305-3862

MODE = MEMORY TRANSMISSION

START=JAN-24 10:57

END=JAN-24 10:58

FILE NO. = 040

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
001	OK	S	917033052919	004/004		

-McCORMICK/PAULDING/HUBER -

- ***** -

860 527 0464- *****



McCormick, Paulding & Huber LLP

Intellectual Property Law

Offices in
Hartford, CT and
Springfield, MA

DATE: 24 January 2003

Tel.: 860-549-5290
Fax: 860-527-0464

FACSIMILE TRANSMISSION

City/Place II
185 Asylum Street
Hartford, CT
06103-3402
www.IP-Lawyers.com

DELIVER TO: Mr. Paul Bell / USPTO

FAX NO.: 703-305-2919

SENT BY: Marina F. Cunningham

Our File No.: 6474-02WOUS Serial No. 09/743,589

Number of Pages
Including This Sheet: 4

Message:

Mr. Bell:

Per our telephone conversation of today, attached please find a copy of the executed Declaration, Power of Attorney and Appointment of Domestic Representative for filing in connection with the above-identified PCT application.

Please charge the \$130.00 surcharge fee or any other necessary fees to our Deposit Account 13-0235.

Please call me if you have any questions.

Regards,

Marina F. Cunningham
Marina F. Cunningham
Reg. 38,419

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John C. Linderman*
J. Kevin Grogan*
Arthur F. Diem*
Richard R. Michaud*
Marina F. Cunningham*
Richard D. Gott*
Daniel G. Mackas*
Susan C. Oygard*
Nicholas J. Tuocillo*
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Stephen P. Soudori*
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Donald J. MacDonald*
Timothy A. Johnson*
Kevin H. Vanderlooden*
Wayne R. Grohs*
*Admitted in CT
†Admitted in MA

Of Counsel
Donald K. Huber*
John C. Hilton*
Frederick J. Huesche*
Charles E. Sohl*
John J. Dempsey*



UNITED STATES
PATENT AND
TRADEMARK OFFICE

RECEIVED

JAN 27 2003

McCormick, Paulding & Huber

PCT OPERATIONS

FACSIMILE TRANSMISSION COVER SHEET

DATE:

1/27/03

TO:

Marina Cunningham

TELEPHONE:

860-549-5290

FAX NO.:

860-527-0464

FROM:

Tammy Hollan for Francine Young

TELEPHONE:

703-305-5483

FAX NO.:

703-308-4785 OR 703-305-3230

MESSAGE:

NUMBER OF PAGES ____ (INCLUDING THIS PAGE)



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/743,589		Elmgaard Birger Sorensen	6474-02WOUS

Marina F Cunningham
McCormick, Paulding & Huber LLP
Cityplace II, 185 Asylum Street
Hartford, CT 06103-3402

CONFIRMATION NO. 4089

WITHDRAWAL NOTICE



Date Mailed: 01/27/2003

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 04/26/2002 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.

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 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/743,589	Elmgaard Birger Sorensen	6474-02W0US

INTERNATIONAL APPLICATION NO.

PCT/DK99/00401

LA. FILING DATE	PRIORITY DATE
07/13/1999	07/14/1998

Marina F Cunningham
 McCormick, Paulding & Huber LLP
 Cityplace II, 185 Asylum Street
 Hartford, CT 06103-3402

CONFIRMATION NO. 4089

371 ACCEPTANCE LETTER

 OC00000009431428

Date Mailed: 01/27/2003

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

01/24/2003
 DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
 (c)(4) REQUIREMENTS

01/24/2003
 DATE OF RECEIPT OF ALL 35 U.S.C.
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).** Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Assignee Statement
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Substitute Specification

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/743,589	01/24/2003	1731	565	6474-02WOUS	1	10	1

CONFIRMATION NO. 4089

Marina F Cunningham
McCormick, Paulding & Huber LLP
Cityplace II, 185 Asylum Street
Hartford, CT 06103-3402

FILING RECEIPT



OC000000009431427

Date Mailed: 01/27/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Elmgaard Birger Sorensen, Vejle, DENMARK;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DK99/00401 07/13/1999

Foreign Applications

DENMARK PA 1998 00933 07/14/1998

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Nits Separator

Preliminary Class

162

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